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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT N. ANDERSON,	)	Civil No. 09-3002-CL
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
v.	)	
	)	
DONALD BABB,	)	
	)	
Defendant.	)	

**PANNER, Judge.**

On February 13, 2009, Magistrate Judge Clarke filed his Report and Recommendation (docket # 30), which recommended that this action be remanded to state court because Defendant's Notice of Removal was not filed within the time allowed by 28 U.S.C. § 1446(b), and further that Plaintiff be awarded costs and expenses under 28 U.S.C. § 1447(c). Defendant has filed various documents, which the court construes as objecting to the Report and Recommendation.

The matter is now before me for *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). I find no error.

/ / / /

**Conclusion**

Magistrate Judge Clarke's Report and Recommendation (# 30) are adopted. Plaintiff's Motion (# 9) to Remand is granted. The matter is remanded to the Circuit Court for the State of Oregon for Jackson County. The clerk shall mail a certified copy of the order of remand to the clerk of the State court.

Plaintiff is entitled to recover just costs and actual expenses, including attorney fees, incurred as a result of the removal. Plaintiff has 11 days from the date of this order to submit an itemized statement of reasonable costs and attorney fees. Defendant then has 11 days to respond.

Defendant's Motion (# 18) to Strike Motion to Remand is denied, as are all other motions Defendant filed in this court (docket ## 15, 19, 23, 25, 32, 36, and 38).

IT IS SO ORDERED.

DATED this 26 day of March, 2009.

A handwritten signature in cursive script, appearing to read "Owen M. Panner", is written over a horizontal line.

Owen M. Panner  
United States District Judge